Chapter 7: Respecting Diversity

ABSTRACT

The racial and ethnic diversity of the United States has changed considerably in the last few decades. An increasing proportion of Latino, Asian, and African-Americans have integrated with the European-American population. With this transition, victim assistance professionals are faced with new challenges. Recognizing and respecting individual cultural differences are important to sensitive and effective work with victims. In addition, differences in concepts of suffering and healing can influence how a victim may experience the effects of victimization and the process of recovery.

The term "culture" can be reasonably applied to various demographic categories. For example, cultures or subcultures can reflect differences by age, gender, sexual orientation, religion, and geographic region. Each of these groups has its particular self-identity and lifestyle and employs particular ways of viewing and meeting the traumas and triumphs of life. For this discussion, however, "culture" represents race and ethnicity. It is this diversity that both enriches and obstructs much of our involvement and interaction with others.

LEARNING OBJECTIVES

Upon completion of this lesson, readers will understand the following:

- The vast array of cultural differences among the people of the United States.
- Basic principles of culturally-proficient and culturally-sensitive interaction with crime victims.
- Specific practices and considerations that will help victim assistance professionals provide appropriate services to crime victims of various cultures.
- Participants will also:
- Be able to recognize the population diversity of South Carolina;
- Understand the fundamentals for working with interpreters for temporary protection orders;
- Recognize the specific organizations available in South Carolina to provide technical assistance with diverse and under-served populations; and
- Understand important aspects of Federal policies on Limited English Proficiency (Title VI), creative protective orders with provisions for immigrant women and Annex A for Bond Orders.

DEFINITIONS

(Taken from a handout produced by the Piedmont Peace Project.)

When we talk about culture, diversity, and underserved victims/survivors of crime, we have to be ready to be uncomfortable. We have to recognize that our views of many groups are based on our experiences – the information or lack of information we have can filter how

we see people who may be different from us. When we talk about our biases and prejudices, we have an opportunity to change our internal record to learn more about different groups and build bridges in the victim advocacy work we do. These ideas are not limited to groups who look different from us. A great example could be stereotypes individuals may have of people from the South. Think for a minute of what assumptions are made of South Carolinians and Southerners. Keeping all this in mind, it is important for us to look at the different ways in which oppression plays out and to look at the intersections of the different oppressions. The definitions below can help guide us as we explore how the different types of oppressions may feed in to how we serve victims of crimes who may practice different cultures.

Oppression

The systematic exploitation of one social group by another for its own benefit; oppression involves institutional control, ideological domination, and the imposition of the dominant group's culture on the oppressed group. Oppression is different from discrimination, bias, prejudice, or bigotry because:

- It is pervasive. It is woven throughout social institutions as well as embedded within individual consciousness.
- It is restricting. Its structural limits significantly shape a person's life chances and sense of possibility in ways beyond the individual's control.
- It is hierarchical. The dominant or privileged groups benefit, often in unconscious ways, from the disempowerment of subordinated or targeted groups.
- The dominant group has the power to define and name reality and determine what is "normal", "real" or correct"

Prejudice

A positive or negative attitude toward a person or group, formed without just grounds or sufficient knowledge. Prejudice will not be likely to change in spite of new evidence or contrary argument. Prejudice is an attitude.

Discrimination

Unequal treatment of people based on their membership in a group. In contrast to prejudice, which is an attitude, discrimination is a behavior. To discriminate is to treat a person not on the basis of their intrinsic individual qualities, but on the basis of prejudgment about a group. Discrimination can be either de jure (legal, as in segregation laws) or de facto (discrimination in fact without legal sanction).

Privilege

The benefits automatically received from being a member of the dominant group.

Racism

Racial and cultural prejudice and discrimination, supported intentionally or unintentionally by institutional power and authority, used to the advantage of one race and the disadvantage of other races. The critical element that differentiates racism from prejudice

and discrimination is the use of institutional power and authority to support prejudices and enforce discriminatory behaviors in systemic ways with far-reaching outcomes and effects.

Classism

The institutional, cultural, and individual set of practices and beliefs that assign differential values to people according to their socioeconomic class; and an economic system which creates excessive inequality and causes basic human needs to go unmet.

Sexism

The cultural, institutional, and individual set of beliefs and practices that privilege men, subordinate women, and denigrate values and practices associated with women.

Heterosexism

The societal/ cultural, institutional, and individual beliefs and practices that assume heterosexuality is the only natural, normal, acceptable sexual orientation

Homophobia

The fear, hatred, or intolerance of lesbians, gay men, or any behavior that is outside the boundaries of traditional gender roles.

Anti-Semitism

The systematic discrimination against, denigration, or oppression of Jewish people, or Judaism; and the cultural, intellectual, and religious heritage of the Jewish people.

INTRODUCTION

Across America, racial and ethnic heritages are being dramatically interwoven. An array of languages, religions, customs, and traditions is infusing the nation with both vibrancy and challenge. Molefi Asante, Chair of African-American Studies at Temple University observed:

- Once America was a microcosm of European nationalities; today America is a microcosm of the world.

According to the 2000 U.S Census, the U. S. population in the year 2000 was composed of people who were 75.1% white, 12.3% African-American, 12.5.4%, Hispanic and 3.6 Asian. The same report suggested that 19% of the population has a disability status, 11% are foreign born and 18% speak a language other than English. By the year 2030, however, these percentages are expected to be 61% white, 19% Hispanic, 13% African-American, and 7% Asian (U.S. Bureau of the Census 1997).

The shift is even more dramatic in some specific states:

- In California, it is estimated that by the year 2020, the state population will be 40.1% white, 37.7% Hispanic, 7.5% African-American, and 14.7% Asian and others. The white population, in other words, will no longer be the majority.

- In Texas the projection for 2010 is that 65% of the state will be Hispanic (U.S. Bureau of Census, 1997). Between 1990-2030, 87.5% of the total change in population will be due to growth in minority populations. Almost 75% of this growth will be due to immigrants and their first generation descendants (Murdock et al. 1997)

South Carolina Population

The US Census data lists our population as 68% White, 28.9% Black or African American, .2% American Indian and Alaska Native, and 1.1% Asian. The Hispanic population is estimated to be 3%. However, experts note that this is likely a gross underestimate and propose that 9% is closer to a more accurate estimate. South Carolina is the state with the third fastest growing Hispanic population. It is likely that the changes in the demographics of South Carolina will continue, and consequently, will have an impact on victim service needs.

America Is Changing

The criminal justice system is not exempt from the consequences of these demographic changes that are generating a new definition of "American" (Ogawa 1998). As Ogawa states:

- Crime victims experience their bond of humanness, and therefore also their particular victimization, through a prism replete with racial histories, ethnic colorations, and cultural variations. Every criminal justice and crime victim-related issue is fundamentally multicultural.

As the European-American population continues to decrease in relative proportion, there is a corresponding and accelerating increase of Latino, Asian, and African-American populations. These changes raise the following concerns for victim service providers:

- How do the criminal and juvenile justice systems adhere to equal justice for this diverse range of people?
- How can victim assistance programs fashion priorities and ensure competence in order to serve the widening spectrum of people?

SIGNIFICANT RESEARCH

Cultural Considerations in Assisting Victims of Crime

"Cultural Considerations in Assisting Victims of Crime" is a two-year research project conducted by the Washington, DC-based National Multi-Cultural Institute (NMCI) and funded by the Office for Victims of Crime to:

- Survey the needs for programs that provide culturally competent services to diverse victims;
- Address gaps in current training curricula; and
- Disseminate the materials via training to criminal justice professionals nationwide.
- The resulting Report on Needs and Promising Practices presents an overview of current victimization issues as they affect people of diverse backgrounds and cultures, and assesses the strengths and weaknesses of victim assistance programs, with the following findings:

- There are programmatic barriers to effective delivery of victims' services, including:
  - Assumptions that people are similar despite cultural or other differences.
  - Misinformation about victim services and victim compensation.
  - Language barriers.
  - Lack of diversity among program staff.
  - Barriers related to victim and provider belief systems, including:
  - Distrust of the criminal justice system, fear of deportation.
  - Loyalty to one's own cultural groups.
  - Shame and taboo.
  - Cross-cultural communication.
  - Prejudice.
  - Expectations of service provider's role.
  - Grieving and healing process.
  - Perception of privacy.
  - Role of the family.

NMCI research also confirmed that while there are several general training curricula on cultural diversity, there is a lack of training curricula material specific to victims of crime.

As part of the third phase of the project, NMCI developed a Cultural Competence Assessment Tool for Victim Service Providers that addresses the barriers victims often face, and provides a mechanism for internal assessment within service agencies and criminal justice professionals. NMCI has piloted the instrument at 100 sites. The data will be analyzed in the latter half of 2000 and the instrument will be utilized by providers to:

- Evaluate providers' culturally competent behaviors.
- Assess knowledge, skills, and perceived preparedness in addressing the needs of the populations served.
- Determine which immigrant populations are most challenging to serve.
- Design interventions to improve culturally competent victim services.
- Determine strengths and areas for growth.
- Determine recommendations for agency policy change.
- Determine which provider demographic factors are most likely to correlate with providing culturally competent services (NMCI January 2000).

Advocacy for Immigrant Battered Women

A survey conducted by the Immigrant Women's Task Force of the Northern California Coalition for Immigrants' Rights revealed that 34 percent of Latinas and 25 percent of Filipinas surveyed had experienced domestic violence in either their country of origin, the U.S., or both. Further evidence indicates that there are large numbers of immigrant women trapped in violent relationships who are afraid to ask anyone for help. Language barriers, fear of deportation, and a poor understanding of their rights in the community are the most commonly cited barriers to their seeking help. Frequently, batterers manipulate their partners' unsettled immigration status as a means of keeping them in the abusive relationships (FVPF n.d.).

Shelters for battered women are often concerned with the legal consequences of

serving battered immigrant women without legal documentation. According to the Family Violence Prevention Fund (FVPF), nonprofit organizations are explicitly exempt from verifying immigration status as a condition for providing services. Immigration status is not relevant to a battered woman using the shelter, nor should it affect provision of services (Ibid).

FVPF has developed a brochure that is available in Arabic, English, Chinese, Korean, Russian, Spanish, Tagalog, and Vietnamese. It informs immigrant battered women of their rights (regardless of their immigration status) and provides them with crucial information about whom to contact for assistance, where to go, what they need to take with them when leaving, protection orders, and temporary public assistance (Ibid).
The role of the victim advocate in helping battered immigrant victims is to learn about possible options, assist victims in accessing these options, and respect the decisions that they make. In-depth coverage of these issues can be found in the Domestic Violence In Immigrant Refugee Communities: Asserting the Rights of Battered Women, available through the FVPF Web site: http://www.endabuse.org.

An additional resource for immigrant victims of domestic violence is the National Domestic Violence Hotline for crisis intervention and detailed information on shelters, legal advocacy, assistance, and social service programs. The hotline is available 24 hours a day in English and Spanish and through translators, in 139 other languages: (800-799-SAFE) or from a TTY (800-787-3224).

ASPECTS OF DIVERSITY

Two eternal truths about human beings are that people differ from one another and that people are similar to one another. When highlighting the commonalities within cultural identities, overgeneralizations are often made at the risk of overlooking distinctions among these groups. The variety within cultural groups maybe obscured by the emphasis placed on distinguishing among cultural groups. In other words, any aggregate labeling of people is part logic and part insult.

For example, the term "Indian" was a misnomer foisted upon the Arawak tribe of the southeastern United States by an errant Italian navigator who had set sail for India. It is now (mistakenly) used to describe all the native populations of the Western Hemisphere. "American Indians," preferably called "Native Americans," are now acknowledged by the Bureau of the Census to be over 500 separate nations and tribes with 187 different languages (U.S. Bureau of the Census 1997).

The term "Hispanic" refers to those who share a common language, i.e. Spanish. However, not everyone who is from a Spanish-speaking country speaks Spanish (for example, the native peoples from the central mountains in Mexico).

It would be presumptuous to consider all Bostonians as Irishmen, all Anglo-Californians as yuppies, residents of Greenwich Village Jewish artists, Texans all rodeo stars, or Santa Fe citizens all New Age vegetarians. It would be equally presumptuous to consider all these people the same because they are all "white." Similarly, it would be just as inappropriate to consider all "Latinos" (or Asians or African-Americans) as inherently alike. As Ross, Millen, and Martinez have pointed out, "There are some ways in which any particular Chicano is like all other Chicanos, and there are some ways in which a particular Chicano is like no other Chicano."

Intertwined throughout our racial and ethnic identities are the distinctions of age, gender, generation, degree of acculturation, and socioeconomic status. "Ecological fallacy" (Robinson 1951, 351) occurs when one fails to consider variables between individuals.

Points to Reflect Upon in Providing Services

- No one is just what we label or classify them.
- People are inseparable from their racial and ethnic backgrounds, but are not strictly determined by them.
- All crime victims deserve to be treated as individuals even as the nuances of race and culture (and the degrees of acculturation) are recognized.
- Victim service providers must be aware of the cultural context of the victims with whom they are working, continually assess the adequacy of their communication styles and counseling methods, and be flexible enough to make adjustments on a case-by-case basis.

What "Culturally-Sensitive Service" Is Not

It Is NOT “Color Blindness”:

> “I haven't noticed that you are different. We are all humans. We all have the same feelings. I don't care if you are pink, green or purple.”

Presumably with good intentions to treat everyone equally, such overtures are sometimes made by victim service providers. There is, however, no universal response to suffering. The role of racial experience and cultural history cannot be readily dissolved into some melting pot of generic humanity. As Tello states:

> “What it (color blindness) does demonstrate is the service provider's inability to understand and articulate these differences. When this occurs, the service provider may attempt to justify his or her own position by minimizing the role of culture. “

Individual experiences in culture, language, and identity serve to filter and shape how a person perceives events and reacts to both small and life-altering events. As Parsons writes (1985), "Ethnic identification is an irreducible entity, central to how persons organize experience."

It Is NOT Memorizing Cultural Idiosyncrasies:

Service to culturally diverse crime victims is not primarily a command of every minute custom or memorization of an encyclopedia of rigid "do's and don'ts." This would be an impossible task. A stereotypic approach to any victim is obviously simplistic and harmful. Instead, an attempt should be made to learn the significance of several major cultural forms, for example, the meaning to the persons practicing those traditions.

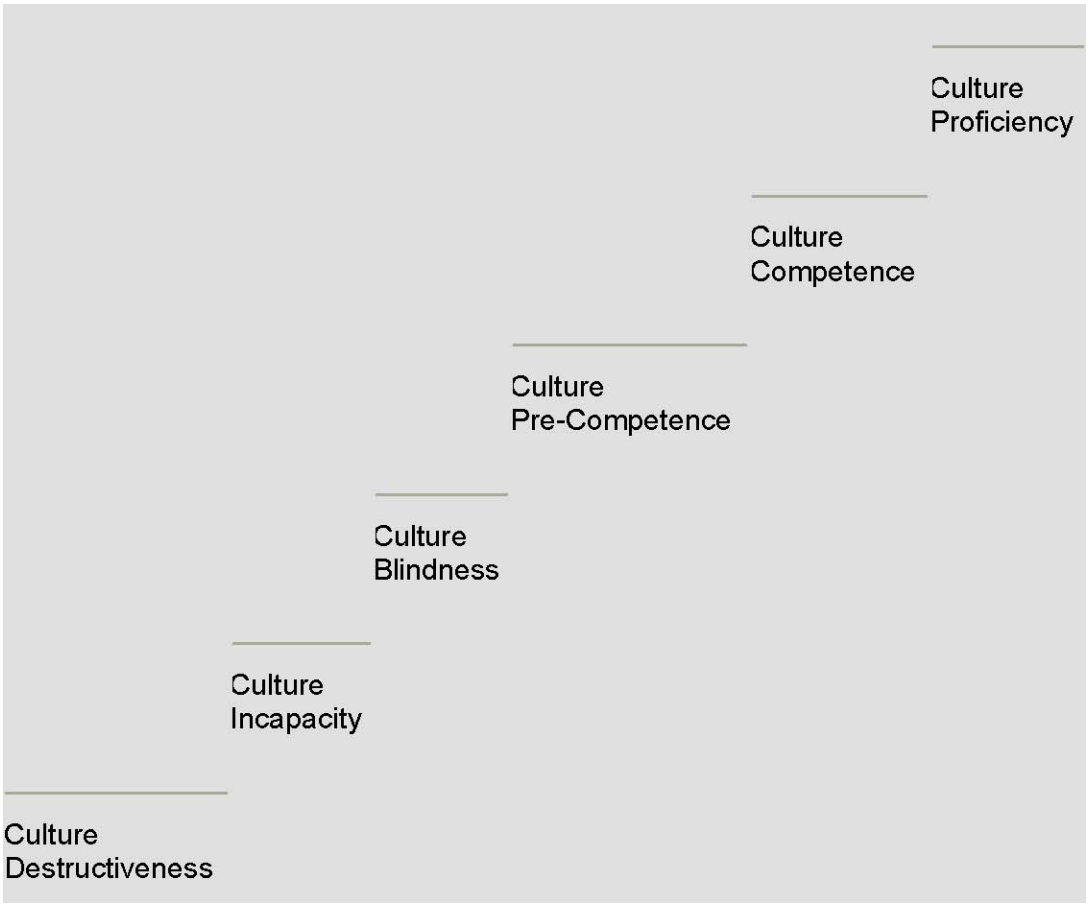
The victim service provider can thus begin to gain an understanding of the culture and a knowledge of the people from the perspective in which they see themselves rather than focusing upon their isolated behaviors and "unusual thinking." A relevant example occurred following a mass murder in Stockton, California:

- In the aftermath of Patrick Purdy's deadly rifle assault on the schoolchildren of Cleveland Elementary School in Stockton, California in 1989, there was an

outpouring of concern and support from across the nation. Five children had been killed and twenty-nine children and one teacher were wounded. Two of the central events in the healing process for the Cambodian and Vietnamese surviving family members were the Buddhist funeral service and a subsequent ceremonial purification of the school grounds for the purpose of "releasing" the children's spirits.

- These rituals were strange to the local district attorney's victim assistance staff, but their involvement in facilitating and participating in these events, their willingness to depend upon the Buddhist monks for leadership, and their efforts to quickly learn the most important Southeast Asian mourning customs enabled them to truly meet the needs of the victims they served.

Basic Qualifications of Culturally-Competent Service



- Culture Destructiveness is the conscious denial of another's culture, and/or the belief that one's own belief system is superior to all others.
- Culture Incapacity understands that there are differences among cultures but refuses or does not do anything to change.
- Culture Blindness overlooks differences as though they do not exist.
- Culture Pre-competence begins to realize that there is a world outside of oneself.
- Culture Competence values others and their differences; diversity is recognized and accepted.
- Culture Proficiency occurs when diversity works together.

Compassion and Sincerity

Most minorities have developed a sharp sense for detecting condescension, manipulation, and insincerity. There is no substitute for compassion as the foundation, and sincerity as its expression, for carrying out victim services equally and fairly. Although it is not possible to feel the same compassion for all victims, providers have the responsibility to provide the same compassionate service to every victim. Compassionate and sincere advocacy knows no borders.

The plight of undocumented residents or illegal aliens, for example, involves complex issues of personal prejudices and international politics. Sentiments among Americans regarding the clandestine migration of those who seek a better life here, mostly from Mexico and Central America, range from compassion for the safety and dignity of those fleeing poverty and war to border vigilante hunts and savage beatings. Once in the United States, undocumented aliens become easy prey for employment exploitation, consumer fraud, housing discrimination, and criminal victimization because assistance from government authorities is attached to the fear of deportation. There is an epidemic of sexual assaults, for example, committed upon undocumented Latinas. Their immigration status, however, does not mean that they should receive less protection under America's criminal laws or less right to victim services.

Undocumented individuals have a right to access many of the services we provide. The undocumented individual should be able to make a police report, access victim services, apply for victim compensation, access medical services, claim wages that are owed to them and receive an interpreter without the fear of being deported.

It is important for advocates to know what benefits and assistance immigrants and refugees are eligible for. Refugees have been given permission by the United States State Department and are already eligible for most benefits. Many immigrant women are brought here by individuals who might not have completed their paperwork or even told them how they were brought here. For example, some battered immigrant women are brought here by their U.S. Citizen- or Green card-holding husband. Many women in this situation have access to apply for a Violence Against Women Act (VAWA) spousal abuse waiver, which would help them get status without the support of their abusive spouse. This relief could give her and her children access to work authorization and some benefits. It is always best to check with an Immigration attorney to verify what someone might be eligible for.

It is also important to be aware that some criminal convictions punishable by 12 months or more can often lead to the deportation of an individual who is not a United States Citizen. (This includes immigrants and refugees.) The threat of deportation can impact victims who might have a dual arrest and plead guilty because they do not understand the system or their rights. It is always important for victim advocates to coordinate with an immigration attorney to ensure that negative consequences are not encountered inadvertently. Additionally, there could be negative consequences to a victim if her batterer is convicted and deported and she cannot work. If she has many children and has not had a job ever before, she could be placed in a very difficult position by having her batterer convicted. She might be eligible for food stamps for her U.S.-born children, but depending on how long she has been here, she might not be eligible for any other benefits.

Respect

Respect includes withholding ethnocentric judgments about the cultural practices of others. A place of remembrance for a deceased person, for example, is often found in an Asian home.

> “After my father died, my mother placed his photograph on the hutch in the dining area of her home. She offers the best of the fruit she buys at the market, and the first plate of anything she cooks is placed next to the photograph. It is her way of honoring the over 55 years of married life they shared. This custom may be strange to most Westerners, but it is a Japanese and Buddhist tradition to have an ancestral altar” (Ogawa 1990).

Respect also means not minimizing the experience of others. In the inner city of Los Angeles, gang and drug-related homicides are common. When one particular slaying occurred, the newspaper headline routinely announced, "Just Another Day in South Central." The familiar scenario of young African-American males seeking reprisal for a cocaine buy gone awry was presented. The alarming difference in this case was that the victims were two mistakenly killed teenage girls. For their parents, loved ones, and friends, this was not just another day.

As one of the girl's mothers stated, gang violence and the fear it brought to her neighborhood were never acceptable. There was never a "tolerance of crime" merely because it was an everyday occurrence. The day her daughter died was not and can never be "ordinary." It is the deepest tragedy that will never leave her.

When working with individuals from different religions, it is helpful to have basic information that can assist in not offending the individuals you are working with. For example, for some Muslim communities, it is common for the women to cover themselves around the opposite sex. It would be important to ask if individuals may be more comfortable talking to female officers, advocates, medical professionals when interviewing, taking pictures etc. This is especially important if you have a large community in your area.

DELIVERY OF ADVOCACY SERVICES

Translating Standard Materials

A frequent method of outreach to non-English speaking victims is to provide translated materials with portrayals of racially diverse people. When the translation explains how to seek a restraining order, to locate the courthouse and prosecutor's office, to apply for criminal injuries compensation, or to complete forms, such multilingual brochures and handbooks improve accessibility to the criminal justice system. Key words in English should also be included to enhance recognition and familiarity. However, several points are important to consider:

- When counseling about the effects of victimization or when self-help suggestions are being provided, these must be evaluated as to whether or not they actually give needed assistance or merely bestow readable materials upon those literate in a language. It is important to evaluate whether this individual reads or writes in her/his own language, much less in English. The victim may need an interpreter to verbally explain what is going on. Make sure the interpreters have signed confidentiality agreements – especially if you are using someone one from the same community. With any interpreter it is important to make sure they are aware of interpreter ethics. Please see Appendix A for more information on how to work with interpreters.
- All crisis intervention and counseling modalities are based upon specific philosophies of suffering and healing. Approaches that are derived from conventional Western theories are most prevalent in victim services.
- Approaches and methods that incorporate the perceptions, beliefs, values, and experience of diverse cultures must also be made available to crime victims. It is important to be aware that many cultures may feel that counseling may indicate that there is something wrong with them and will be resistant.

Agency Organization and Outreach

The manner in which victim service providers organize their agencies may unknowingly deny or hinder entry to various groups. The responsibility for delivery of services rests with the providers and not with (potential) recipients. It is simplistic to bemoan the scarcity of certain groups utilizing services by attributing this primarily to their lack of education or awareness. Minorities, in fact, often view prevailing services as unresponsive to their needs and uninformed of their preferred practices and beliefs.

Therefore, the methods for reaching culturally diverse victims must include traditional resources within the various communities as well as the inauguration of victim-specific ones. For example, the historical role of African-American churches, the reliance upon Mexican curanderas and Native American shamans, and the social constructs of Asian life must be understood and incorporated. Establishing some type of presence in ethnic neighborhoods, whether store-front offices, mobile crisis units, outreach to homes, or coordination with community-based organizations, is essential.

All victim service agencies need to look inward and examine their internal voice about diversity. In order for agencies to move from rhetoric to the implementation of sound policies and procedures, the following process can be particularly instructive:

- Spend time researching the composition of your community. What is its racial and ethnic composition?
- Look at your agency. Does it reflect, proportionately, the composition of the community?

Examine the following components:

- *Board of Directors.* Persons of diverse cultures and from different backgrounds should sit at the policy making table. The Board or group of advisors should reflect the composition of the community. Those persons should have a grasp of their community's problems and should be willing to actively help address these difficulties. Don't look for participants in the usual ways; be creative! Many times those who are "appointed" may not be the "anointed" community leaders.

- *Staff*. Understanding that it may not be possible to mirror every aspect of the community, it is important that in the hiring practices ethnic/cultural applicants be given utmost consideration. Staff members must not be tokens to meet some guidelines or quotas; their professional competence, compassion, and all other important elements that makeup the qualifications for the position, must be taken into account. In addition, agencies should carefully note whether or not persons of ethnic and diverse cultures are a part of agency management. This can be a real statement of empowerment and commitment to inclusiveness.
- *Clients*. Do the persons who use victim services, such as crime victims, family members, and significant others, represent the diverse population of the community? If so, how? For example, if clients in a rape crisis center avail themselves of medical treatment but are reluctant to participate in counseling, the agency should examine this pattern and the reasons for it, and proactively address it by making the necessary paradigm shifts.

Initial Contact

The first contact minorities have with the criminal justice system will either confirm or dispel suspicions as to how they will be treated. Proper pronunciation of a person's surname is an excellent place to start. Surnames also have histories and meaning that allow conversation beyond introduction. In working with immigrant, refugee, or native populations, it is also helpful to learn a few words of greeting from that culture.

Be careful, however, of your intonation and loudness. The Native Hawaiian word "aloha," for example, has been frequently corrupted. The root "ha" refers to the "breath of life," the giving (exhaling) and receiving (inhaling) of life itself. As a greeting, it means the imparting of life to others and the acknowledgment of accepting life from others. When the "ha" is crudely enunciated, it collapses the spiritual essence of this meaning.

The willingness to go beyond what is comfortable and usual conveys your intent to communicate. A community service law enforcement officer approached a Laotian home to speak to community members gathered there. He saw a large number of shoes on the porch. He slipped off his own shoes and entered the home. Immediately, the Laotians saw the officer without footwear. They knew he would listen to them because he had already indicated, by this simple act, a willingness to respect their cultural customs and family home.

Victim service providers who are observant and attentive will be able to notice proper forms of greeting and welcome. South Texans, for example, may prefer a very firm handshake. Native Americans usually prefer the placing of a hand upon the outstretched offer of a hand. For some Asians, a slight bow would be appropriate.

The Asian home is a sanctuary wherein various rules and proprieties are followed. A victim service provider should be observant and alert to cues as to appropriate words and actions rather than be consumed by anxiety about committing mistakes.

Appraise Your Prejudices

Darnell Hawkins, a sociologist in the Black Studies Department at the University of Illinois-Chicago, observed that "Black victims of crime in general are not treated seriously, particularly if the offender is also black."

Attitudes toward African-American women especially are rooted in the long period of legalized slavery in America and proliferated by current prejudices. African-American women were the sexual property of white slave masters. Since they had no rights to resist or protest, there was no definition of rape to protect them and thus no legal recourse.

Today, many African-American women assume they will be treated unfairly by police and prosecutors when they do report rape. Any rape case where there is little corroborating evidence, such as eyewitnesses or physical injuries to substantiate the charges against a defendant, presents obstacles. When a female rape victim is African-American, there appears to be greater reluctance by legal authorities to proceed beyond preliminary investigation.

- Lafree studied thirty-eight jury trials of sexual assault cases in Indiana, and found that jurors were less likely to believe in a defendant's guilt when the victim was African-American (1989, 290). Interviews with jurors suggested that stereotypes regarding the sexual behavior of African-American women influenced some jurors (McKean 1994).

When racism invades criminal proceedings, it subverts the concept of justice being blind.

- In a California prosecutor's office, for example, an assistant district attorney was heard to make this comment about a young white woman who had been beaten by her African-American husband: "She deserved it because she married a "n-----." In the mind of this prosecutor, any white woman who is in an intimate relationship with an African-American male (and perhaps any minority male) has somehow abrogated her rights to ordinary sympathy and legal protection. His attitude universally degrades women and marks any African-American male as a dangerous partner.

Responding to Hate Crimes

Recently, our country has been replete with stories of horrific displays of violence based on hate crime:

- In June 1998 in Jasper, Texas, James Byrd, Jr. was decapitated when after being severely beaten, he was chained to the back of a truck by three white men and his body dragged for several miles.
- In October 1998, Matthew Shepard was brutally beaten in Wyoming by two men with a history of harassing gay men. He later died of his massive injuries.
- In Fayetteville, North Carolina, in December 1995, Jackie Burden and Michael James were shot to death by three Army soldiers who decided to kill them because they were African-American.

Resistance to current, rapid ethnographic changes due to large-scale immigration has joined with long-standing racial bigotry to produce a climate of racial tension. Whether or not this constitutes an adjustment period to form a more pluralistic society or the brewing of polarization is unknown. With the incidents of ethno-violence spreading, the signs are not encouraging.

In 1995, there were 7,947 incidents of hate crimes reported to the FBI. Sixty-one percent were motivated by racial basis and 10 percent by ethnicity/national origin bias. There were 10,469 victims, including twenty murder victims (FBI 1997). KLANWATCH, however, estimates the number of hate crimes to be five times the FBI's numbers (APA 1995, 1).

The following are key questions to consider in responding to hate or bias crimes:

- How seriously do we regard bias crimes and respond to hate violence?
- Do we understand how being targeted because of race and ethnicity affects these victims?

DEVELOPING A CROSS-CULTURAL STYLE

Avoid Misuse and Distortion of Cultural Values

On April 14, 1989, Ramon Salcido, a Mexican vineyard worker in California, murdered his daughters, his wife, his mother-in-law, his sister-in-law, and an employer. Alcohol and jealousy fueled Salcido's "journey of destruction," which resulted in the worst mass homicide in the history of Sonoma County. The media accounts portrayed Salcido as a "hot-blooded Latin who gloried in machismo." This implied that his gruesome acts were somehow culturally-based in the characteristic way Latino men treat their wives.

- Some Latino abusers claim a "cultural birthright" to (brutally) dominate their spouses, but their argument is neither legally acceptable nor true to the proper meaning of machismo.
- Insensitive representations by the American media and negative stereotypes of the Mexican culture in general have contributed to a distortion of traditional male/female roles governed by machismo.
- The term "macho" often is assigned to the male who is over-aggressive, controlling, temperamental, and boastful.

The essence of machismo, notwithstanding, is, in the words of Rodriquez and Casaus, "a man who meets his family responsibilities by providing food, shelter, and protection for his wife, children and, in some cases, other relatives living with the family."

Mexican family life is based upon mutual respect and interdependence. Husbands are reminded not to disrupt the well-being of the family by selfish and outrageous acts.

Mexican culture, in other words, is not pathological as has been assumed by those who have regarded machismo as promoting wife-battering. Indeed, it is the balance of relationships in Latino families which provides the safeguards preventing domestic strife. Ramon Salcido is an aberration of his cultural heritage, as is any criminal is of any culture. His savage act was a failure to achieve machismo, not a fated demonstration of it.

The lesson for victim service providers is that misinterpreting and exaggerating elements of a culture may be extremely detrimental to understanding the dynamics of victimization experienced by a person of that culture.

Condemning or disparaging cultural patterns stemming from false and stereotypical generalizations also denies victims the ability and right to draw natural strength from their cultures.

Renee Candalaria-Brent, a Puerto Rican woman and the Community Educator for Rape Crisis Volunteers of Cumberland County in Fayetteville, North Carolina, says: "I'm not sure if victim service providers know or understand that one problem that Hispanic victims face is the fact that not all have the same status in the United States. Puerto Ricans are one of the few Hispanic groups who are automatically U.S. citizens, regardless if they are born in Puerto Rico or the U.S. They have the same rights and privileges as U.S. citizens."

She goes on to point out that individuals who are born in other Latin American countries or on Caribbean Islands such as the Dominican Republic are not U.S. citizens and have to apply for citizenship. This lack of citizenship may keep individuals from coming forward when they are victims of crime because they fear deportation.

It is also a challenge for agencies to provide services for victims who are sponsored in this country by their abusers.

Case Example of the Crucial Importance of Mental Health Terms

A therapist told "Kim" that she needed to "heal the child within her." Kim, a Southeast Asian refugee, listened in astonishment and became very nervous and agitated. She wondered how this Caucasian woman could know that she was pregnant when Kim herself was unaware of this. More so, she did not want another child by her abusive husband. Noticing the look of anguish in her client's face, the therapist hurriedly explained that the term "child within" was not to be taken literally. It was merely an expression from a popular Western therapy that meant the "spirit" of a child within someone. Hearing this explanation, Kim fled the room.

Upon returning to the shelter where she was staying, Kim tearfully announced to a staff member that the spirit of the child she had lost through miscarriage several months earlier was distressed and trapped inside of her! It was many hours before Kim could be assured that her fears were needless.

Evaluate Mental Health Concepts

For Southeast Asians, the notion of mental health or psychological well-being is novel. Individual insight to benefit the "self" is incomprehensible to cultures that assign identity and worth to harmonious relationships.

A critical need for Kim and other battered Asian immigrant or refugee women is therefore to regain a sense of belonging. Without her traditional family ties through her husband, Kim became an oddity in the Southeast Asian community. Her isolation needed to be ameliorated by a strong base of support provided by other women in the shelter.

Rather than individual therapy, Kim needed to learn how to maintain and broaden her linkages to others, including gaining sufficient proficiency in English to secure employment and networking with other single parents. Western views of normality should also be carefully applied.

Case Example of Native American Self-Treatment

The Sioux practice a form of self-treatment called wacinko. This is a sort of "time-out" by which the person intentionally sets aside active and nonproductive involvement in a stressful situation. This practice has been frequently misdiagnosed by Western psychiatrists as a reactive depressive illness marked by withdrawal.

Wacinko is in fact a solution to a problem, a trust that a resolution will naturally occur. This is a cultural form of healing in which passivity is not hopelessness but hopefulness.

Culturally-Appropriate Listening

Listening is fundamental to human relationships and counseling. The principles and manner of listening, however, differ across cultures. Asians and Pacific Islanders, for example, deflect direct eye contact in conversation as a sign of patient listening and deference. Words are believed lost through the force of personalities when attention is drawn to physical presence and posturing. Staring is therefore considered impolite and confrontational.

Many Western cultures, on the other hand, value direct eye contact as a sign of sympathy or respect. Looking elsewhere is seen as disinterest, evasiveness, or rudeness. Misunderstanding can occur if some allowance is not made for these differences.

Multicultural Victim Services

Five core tenets of providing quality multicultural victim services are:

1. Acknowledgment of the different and valid cultural definitions of personal well-being and recovery from traumatic events.
2. Support of the sophisticated and varied cultural pathways to "mental health" and incorporation of these into appropriate victim services and referrals.
3. Extensive cultural awareness training and competency testing to enable victim assistance staff to have the capacity to understand persons whose thinking, behavior, and expressive modes are culturally different.
4. Multiethnic and multilingual teamwork as a resource to implement and monitor effective victim services.
5. Cross-cultural perspective to benefit from the principles and methods of other cultures.

Learning from Diversity

Serving diverse crime victims well means not just learning about other races and cultures (a collection of information and facts), but also learning from them. Unless victim service providers absorb the wisdom and experience of other people and then allow these to have a personal effect upon their lives, they will fail to appreciate the tremendous contributions that others can make to their comprehension of suffering and the process of healing.

A key principle in Eastern psychotherapies, for example, is that "life is attention." Life is only that which occupies one's attention. Where attention goes, in other words, life energy follows. It is therefore crucial to be practical and purposeful to what and to whom one's attention is given. This is trans-culturalism, a sharing of some truth across cultures. Victim service providers can serve a diversity of people only as well as they engage in such sharing.

PROMISING PRACTICES

NMCI Training Program for Criminal Justice Professionals.

NMCI has developed a curriculum for a one-day training program for law enforcement officers and administrators, victim advocates, and prosecutors. The training identifies the barriers to effective delivery of services to diverse victims and provides participants with the knowledge, skills, and awareness necessary to overcome these barriers. Workshops can be delivered to a targeted audience that works with victims in one specific capacity or to victims of one specific type of crime. Case studies allow participants to analyze real situations, envision the elements of a culturally competent program and service delivery, and design a culturally competent needs assessment and outreach plan.

Hope in the Cities

HIC is an effort to bring together political, business, and community leaders in Richmond, VA to address matters of racial healing. Using a large interracial, multi-faith network of people from business, government, education, media, religious, and community organizations, Hope in the Cities seeks to develop a process of healing that involves honest conversations on race, acceptance of responsibility, and acts of reconciliation. HIC utilizes its experience and resources to encourage reconciliation and responsibility for positive change in race relations, by creating cross-racial partnerships in many communities throughout the country, including Los Angeles, CA; Philadelphia, PA; Chicago, IL, and Hartford, CT. Hope in the Cities, 1103 Sunset Avenue, Richmond, VA 23221 (804-358-1764) http://hopeinthecities.org.

Conflict Intervention Unit (CIU), Chelsea MA

Chelsea (population 36,000), the poorest city in Massachusetts, leads the Boston region in unemployment, has the highest crime rate, and is home to an estimated 10,000 undocumented immigrants. Nearly 30 percent of the population live in one ten-block area of rundown dwellings. Chelsea's CIU-an initiative of the local Chief of Police-was formed using individuals from the community who were trained to help people solve conflicts that often escalate into assaults or litigation. From May 1998 to August 1999, the CIU mediated 111 disputes, of which only five went to court. CIU has reduced crime and racial tension in minority communities by giving residents a peaceful way of resolving disputes without involving the local police department. Conflict Intervention Unit, Chelsea Police Department, 180 Crescent Avenue, Chelsea MA 02150, (617-889-8670) (Bash, Amato, and Sacks January 2000).

It IS Your Business

A collaborative effort between the Family Violence Prevention Fund (FVPF) and the Institute on Domestic Violence in the African American Community (NIDVAAC), It IS Your Business is a campaign designed to provide the African-American community with information about how to prevent domestic violence and protect women at risk for abuse. While the message is that domestic violence is everyone's concern, the material is directed towards African-American males. The community action kit provides educational information on domestic violence, how to confront African-American males known to be abusing women, and how to strengthen communities to make them safer. The campaign provides African American-oriented radio stations nationwide with a series of twelve professionally-produced, serialized 90-second public service announcements (PSAs) that educate listeners about safe interventions to help battered women and provide referrals for

resource materials. Other materials in the It IS Your Business kits are bumper stickers, a catalogue of awareness-raising items, and stickers for neighborhood businesses and agencies. National Institute on Domestic Violence in the African American Community, University of Minnesota, 386 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108-6142, (612-624-5357).

Raksha, Inc., Atlanta, GA.

This program provides special assistance to women of Asian descent who are victims of domestic violence. Program advocates work with local law enforcement and other victim assistance programs to address the special needs of this population. Services are provided with careful consideration of the cultural concerns of the women.

The Multicultural Youth Project, Chinese Mutual Aid Association (CMAA), Chicago, IL CMAA founded the Multicultural Youth Project in 1995 as a coalition of groups representing Chinese, Vietnamese, Cambodians, Laotians, Ethiopians, and Bosnians. The Project bridges the divides among these groups and provides youth with an alternative to violence.

Battered Women Immigrant Program

The American Bar Association on Domestic Violence, in cooperation with AYUDA ("HELP"), a grassroots agency for Latina victims of domestic violence, is finalizing a curriculum for victim advocates and attorneys on the Battered Immigrant Women Provisions of the Violence Against Women Act (VAWA). This curriculum will include information about VAWA's recently issued regulations, immigration law, cultural issues, and ways to assist victims who want to petition for residency.

Filipino American Service Group, Inc. (FASGI)

In 1997, the Office for Victims of Crime funded the Filipino American Service Group, Inc. (FASGI) to provide direct services to Asian women and children trafficked and held as garment or sex industry workers. FASGI worked to assist trafficked women in re-establishing healthy and normal lives, and to ensure their availability for service as effective material witnesses. The project has developed guidelines for use by the U.S. Immigration and Naturalization Service (INS) and federal courts in releasing trafficked women to community care. It is expected that this model will be replicated in other regions of the country.

Victim-Witness Program

The Office for Victims of Crime has been working with INS to establish a victim-witness program to identify victims of crime and refer them to services. Since its inception, INCS has established sixty-eight Victim-Witness Coordinators throughout the country to assist crime victims. OVC, in conjunction with INS, has recently developing a training video, "A Balance to Maintain," for all INS employees on victims' issues; this video is also available from the OVC Resource Center. A national training program is under development.

The National Hispanic Council on Aging

In Washington, D.C. NHCA is conducting a project designed to increase Latino elders' awareness of telemarketing fraud through education and the coordination of prevention and intervention services. Groups identified for the study were selected from geographical areas with large Latino populations and high numbers of immigrants who present socioeconomic characteristics that place them at high risk for telemarketing fraud. The project seeks to develop a model for replication in other areas.

Diversity and Tolerance Education

Tolerance education in elementary schools is being used across the country to help children relate to others from different backgrounds and cultures. Sociologists have said that children recognize racial and sexual differences early in life and that by age twelve they have already developed stereotypes. Effective programs, therefore, target children ages four to nine. Classroom exercises vary from newsletters written for a certain age group to theatrical productions and role playing. However, lessons students learn in the classroom need to be reinforced through parental involvement (BJA 1997).

The Green Circle Program

Based in Philadelphia, Pennsylvania, the Green Circle Program strives to promote awareness, understanding, and appreciation of diversity in groups and schools across the United States. In 1992, the American Bar Association's Young Lawyers Division (YLD) launched four tolerance education pilot programs in elementary schools, middle schools, high schools, and colleges throughout the country. The programs featured education about the law, open discussions, and mock trials to give students a greater understanding of prejudice and discrimination (Ibid.).

Multilingual Reporting and Education Services

Some states provide funding for law enforcement agencies to hire bilingual officers or provide education on preconceptions that immigrants may have about law enforcement. Substations, police stations located in the immigrant community with community service officers (CSO's), give residents easier access to officers. Employing bilingual police officers and posting bilingual notices will help bridge both language and cultural gaps between law enforcement agencies and immigrants who do not speak English. By reaching out to the immigrant communities, law enforcement can better protect minority groups that might otherwise fear police and make them more comfortable about reporting crime (Ibid.).

Diversity Awareness Media Campaigns

The news media can help educate the public about other cultures, thereby decreasing prejudice. Community and religious leaders work together to persuade local newspapers and television stations to cover cultural festivals and produce specials and documentaries to acquaint residents with the customs and cultures of their neighbors (Ibid.).

The Anti-Defamation League's A World of Difference Program

The ADL's Boston office in 1985 started the "A World of Difference" program, which links media and educational resources to develop diversity awareness programming used in elementary and secondary schools, colleges, workplaces, law enforcement agencies, and community organizations. The ADL in Washington, DC, together with WUSA-TV, created a program focusing on multicultural education training for teachers through live specials, documentaries, and other programs. The ADL has been invited to establish "A World of Difference" programs in Germany, Russia, and South Africa (Ibid.).

APPENDIX A: ACCESS TO LANGUAGE SERVICES:
Limited English Proficiency Title VI of the Civil Rights Act of 1964

On August 11, 2000, Executive Order 13166 was issued. "Improving Access to Services for Persons with Limited English Proficiency," 65 FR 50121 (August 16, 2000). Under that order, every federal agency that provides financial assistance to non-federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding funding recipients from "restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program" or from "utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin."

On that same day, the Department of Justice ("DOJ") issued a general guidance document addressed to "Executive Agency Civil Rights Officers" setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order. "Enforcement of Title VI of the Civil Rights Act of 1964 National Origin Discrimination Against Persons With Limited English Proficiency," 65 FR 50123 (August 16, 2000) ("DOJ LEP Federal Guidance").

The LEP guidance plays a critical role in ensuring that agencies are providing meaningful access to the communities present in there area. This can include medical health centers, law enforcement, and any agency that receives federal funding. It can be intimidating to find all the resources so be aware there are different expectations for different agencies depending on your size, the ethnic diversity of your community, and the resources in your community. For more information check out www.lep.gov. They have training materials, bilingual information and I speak tools that you can download.

Working with Interpreters [1]

Why do advocates need Interpreters?

- The language barrier is a huge obstacle for immigrant and refugee women to access mainstream services.
- They are unable to communicate their needs and relay their circumstances.
- Thus, interpreters are needed to bridge this gap in communication.

Recent Example: Luz Cuevas Case:

- Police and fire officials that night told the hysterical mother that "maybe it was her nerves" when she was sure that her child was kidnapped and not burned in a fire that took her home. “A language barrier between authorities and Cuevas, who speaks Spanish, may have led to confusion about whether a body had been found in the fire.” Luz Cuevas’s son was found years later. He was kidnapped by a neighbor and the fire was a way to cover up the kidnapping.

[1] Source: Aparna Bhattacharyya and Shalini Somayaji. Presentation to CJCC Eleventh Annual Victim Services Training Conference. Raksha & Tapestri. May 2004.

Factors to consider when securing Interpreters:

- If living in small community, be aware of whom to pick for interpreters.
- They may discourage a victim from filing legal action because it may ruin the reputation of their community or say she's being a "bad wife" or "she should think of the family."
- Be sure to get the interpreter's name before meeting with the client face to face. We do not know if they are from same community or if the interpreter knows the batterer/family. This is important for safety, avoiding conflict of interest, and confidentiality.
- Some words may be difficult to translate because words may not exist in that language (i.e. domestic violence, rape, human trafficking).
- Be aware that there are different dialects and regional differences.
- During court proceedings, be sure that everything (judge, opposing counsel, witnesses, etc.) is being translated for the client.
- Thus, it is important to get Domestic Violence-trained interpreters who know about confidentiality and will not share it with the community.

Factors for Interpreters:

- Client may feel more comfortable with the interpreter because they are speaking the same language. Thus, she may try to ask for advice. Be sure to set up boundaries.
- The client will be revealing intimate details of her life. She may not be used to talking about such issues because of her background.
- While it is important to be professional, it is equally important to be empathetic.

Working with Interpreters:

- Be clear on what type of meeting will be taking place.
- Speak up if notice length of time between interpreter and client speaking is disproportionate.
- Record conversations between the interpreter and client for the record and to ensure accuracy.
- Can request an interpreter for court hearings.
- Also, be aware that interpreters may not usually work with family violence & sexual assault related issues.

Sample Clauses from Interpreter Agreements:

- "I will disclose any real or perceived conflict of interest, which would affect my objectivity in the delivery of services. Providing interpretation for family members or friends may violate the individual's right to confidentiality, or constitute a conflict of interest."
- "If I believe that I am so impacted by the content to be interpreted, that I become unable to interpret accurately and completely, I will inform the parties of my intent to withdraw without threat or retaliation."

What to Do When There Is No Interpreter:

- Be polite. Everyone responds better when treated with respect.
- Pay attention to what the other person is saying. They probably know some English and will attempt to use it.
- Avoid speaking loudly. The non-English speaking person may think you are angry. They may get flustered, which will make it even more difficult for them to communicate with you.
- Do not use slang or phrases like "could you…" or "why don't you…" The person who does not speak much English will be taking your words literally. A positive response will indicate possible, not actual, action.
- Discuss one topic at a time.
- Avoid using conjunctions. For example:
- Do not say, "Are you cold and in pain?"
- Do say, "Are you cold? Are you in pain?"
- Avoid using negatives in your questions.

For example:

- Do not say, "He's been stalking you, hasn't he?"
- Do say, "Has John been stalking you?"
- Avoid asking leading questions that may encourage them to say what they think you want to hear. Ask them to explain in their own words. Record exactly as said to you in your report.

APPENDIX B: ABC'S OF IMMIGRATION AND HUMAN TRAFFICKING

Many people are often confused about who is a refugee or an immigrant. To some, they are all the same. These distinctions are legal distinctions that may be important to know as they may affect his/her benefits and options. Your comfort in understanding these terms will soon help you identify what benefits might be available for each individual.

1. Refugee

- Fleeing their country due to a "well- founded" fear of persecution, as a result of their religion, ethnicity, race, social group or political group.
- Apply to the government from refugee camps outside US for permission to enter and reside in the US. The US government brings them into the country and helps to resettle them

2. Asylee

- Fleeing a "well- founded" fear of persecution, as a result of religion, ethnicity, race, social group or political group.
- An asylee enters the country through a non-immigrant visa and then applies to the government for permission to live in the US.

3. Immigrant

- Foreign-born persons that are given permission to live permanently in the US (Green

Card Holders). Often relocate to the US for work or to be reunified with family members.

4. Non- Immigrant

- H1 visa (a temporary visa to work in the US)
- H4 visa or Fiancé visa (visa for wives or fiancé of H1 visa holders, valid for as long as their spouse's H1 is valid)
- F1 or student visa (temporary visa to study in the US)
- Visitors visa (temporary visa to visit the US)
- Diplomatic visa

5. Undocumented Immigrants

- Are actually a small percentage of all immigrants. They often enter the country with a valid visa but fall "out of status.

HUMAN TRAFFICKING

(This section is taken from "Trafficking: A Contemporary Manifestation of Slavery," by Aisha Deshmukh and Pilar Mendez. Tapestri, Inc. May 2002.)

Trafficking is happening everywhere, around the world and in our communities. Worldwide, an estimated 18,000 to20,000 people are trafficked every year, most of which are women and children brought to the U.S. Millions of individuals, the majority of which are women and children, are tricked, coerced, sold or forced into situations of slavery-like economic exploitation from which they are unable to escape.
Trafficked persons are most commonly recruited for:

Sex Industry, which includes:

- Prostitution;
- Pornography;
- Sex tourism, using sex as a service tourists can buy;
- Servile marriage where the wife is treated as a servant or slave; and
    - "Mail-Order" brides (where men find and marry women from economically poor countries, usually through the Internet, bring them to the US and use their lack of immigration status to control them).

Labor, which includes:

- Sweatshop labor in factories;
- Agricultural work, etc.;
- Domestic servitude where the person is forced to work as a servant without receiving little or no pay;
- Debt bondage where a person is forced to work and kept guarded and harassed until the debt with the employer is paid off.

What is Trafficking?

Trafficking includes all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons. This is a multi-billion dollar industry operated by highly organized criminal groups or loose organizations, which in many countries act with impunity. Human trafficking is now considered to be the second largest arena of organized crime behind drugs. Unlike "alien smuggling," trafficking involves a long-term profit through

the continued exploitation of the persons trafficked. The largest numbers of victims come from Asia, Latin America and Eastern Europe. The former Soviet Union is now believed to be the largest new source of trafficking for prostitution and the sex industry. There are also many victims brought from Africa and the Caribbean.

How Does Human Trafficking Happen?

Traffickers capitalize on the unequal status of women and girls in source and transit countries, including harmful stereotypes of women as property, commodities, servants and sexual objects. Traffickers have also taken advantage of cheap, unprotected labor and the promotion of sex tourism in some countries. This is a problem that affects virtually all countries. Even though trafficking routes are constantly changing, the one permanent factor is the economic disparity between countries of origin and countries of destination. Invariably this involves movement from a poorer country to a wealthier one.

Though some may wonder why innocent people often become victims of trafficking, the reason is actually very obvious. These individuals are simply trying to escape from poverty and unemployment, from wars, conflict or ecological disasters in their home country, and to provide for themselves and their families. They do not know what lies ahead and what happened to others like them. Traffickers use a variety of recruitment methods, but usually the trafficked person is seeking a chance to migrate when she/he gets approached by the traffickers. Most victims think they are recruited for legitimate employment or marriage abroad, though some may know they are being recruited for the sex industry or labor. However none of them are aware of the inhumane conditions that they will have to face or that they may be forced to work in order to “pay back” exorbitant recruitment and transportation fees. “Interest rates” (as high as 50%) imposed by the traffickers on these “debts” make them almost impossible to pay back, especially when the victims are paid a very small percentage of their actual earnings, if at all.

In a recent case in Atlanta, Georgia more than 1,000 Asian women and girls, between the ages of 13 to 25, were forced to prostitute themselves. They were held in bondage until their $30,000 to $40,000 “travel debts” were paid off. These women were forced to have sex as often as 10 times a day and kept in squalid rooms, furnished with little but mattresses and condoms. Law enforcement officials described one brothel as a “prison compound” with barbed wire, fences, chained dogs and gang members who served as guards.

Traffickers control victims through various means such as controlling their legal identity by confiscating their passport or official papers. The threat of deportation is often used to keep the victims from reporting the abuse. Physical restraint, violence, threats against their family and intimidation are other tactics frequently used to subjugate the victims.

Victims usually enter the destination country in three different ways:

1. Overstaying of legal visas (where they come with legal visas and once they expired, these persons remain in the country Undocumented);
2. False or impostor passports (where the traffickers buy or acquire fake documentation for the trafficked person to enter a Country);
3. Entry without inspection (where people are smuggled into the country by a “coyote” or a “snakehead”.)

Lack of Consequences for the Perpetrators of Human Trafficking

Traffickers are rarely apprehended and even more rarely prosecuted. Penalties for traffickers are also relatively light. The low incidence of reporting contributes to the poor law enforcement response. This happens because victims are sometimes treated as criminals by the authorities and may be detained and deported. Victims may be afraid of authorities because in their home countries authorities are in many instances corrupt and participate in these criminal acts of trafficking. This reality combined with a fear of reprisals from the traffickers, for themselves and their families back home, means that victims have little incentive to cooperate with investigating and prosecuting authorities.

The Trafficking Victims Protective Act (TVPA), passed by the US Congress in August 2000, attempts to resolve the trafficking issue both nationally and abroad. Victims of trafficking now have laws that protect them, providing access to legal and medical services and housing. With a new T visa, specifically for victims of trafficking, victims may be able to stay in the country for 3 years if they cooperate in the prosecution of the traffickers and will face hardship on returning to their home countries. T visa holders will also be eligible for receiving various public benefits. The U visa is also an alternative for victims of a crime (such as domestic violence, sexual assault, trafficking etc.) where individuals may be able to stay in the country for three years if they cooperate in the prosecution of the perpetrator of the crime. Both T and U visa holders may also be eligible to apply for legal residency. The Violence against Women Act (VAWA) is a third alternative for self-petitioning women who have been victims of domestic violence by their husbands, if the husbands are U.S. citizens or permanent residents. Victims can apply for this type of visa without their husband's help or knowledge. These visas make it possible to provide some immigration options for trafficked persons from immigrant and refugee communities, making it easier for them to come forward. The government has empowering many organizations with the ability to provide direct services and assistance to victims of trafficking.
This is definitely an issue that affects all of our communities both in the US and internationally and we have to educate ourselves and our communities to work to end this new form of slavery called human trafficking.

APPENDIX C: DEFINITIONS AND TOOLS FOR WORKING WITH LGBTQQI VICTIMS

It is important to recognize that the Lesbian, Gay, Bisexual, Trans, Queer, Questioning and Intersex (LGBTQQI) Community can also be considered underserved depending on your community.

Definitions

Biphobia: The fear or hatred of bisexual people. This term addresses the ways that prejudice against bisexuals differs from prejudice against other queer people. There is often biphobia in gay, lesbian, and trans communities, as well as straight communities.

Bisexual/Bi: Someone who is or is capable of being attracted to members of both sexes or genders as prescribed by the binary gender system. Many people avoid this term because of its implication that there are only two sexes/genders to be sexually attracted to and thus reinforces the binary gender system.

Dyke: Used as a derogatory term applied to lesbian, bisexual, and queer women. Some have reclaimed this word as a symbol of pride and strength.

Faggot/Fag: Used as a derogatory term for gay, bisexual, and queer men. Some have reclaimed this word as a symbol of pride and strength.

FtM/MtF: Two more genders. Also abbreviations used to refer to specific members of the trans community. FtM or F2M, stands for female-to-male, as in moving from the female pole of the spectrum to the male. MtF, or M2F, then, refers to people moving from the male location to the female. FtM is sometimes, though not always, synonymous with transman. Similarly, one who identifies as MtF might also identify as a transwoman.

Gay: Someone who is primarily and/or exclusively attracted to members of their own sex or gender. In certain contexts, this term is used to refer only to those who identify as men.

Heterosexism: The concept that heterosexuality and only heterosexuality is natural, normal, superior, and required. This can refer to any institution or belief system that excludes or makes invisible questioning, lesbian, non-labeling, bisexual, transgender, queer, and gay people, as well as any system that constructs queer sexualities as deviant, wrong, or immoral. Heterosexism is deeply rooted in the culture and institutions in our society. Homophobia, biphobia, and transphobia all stem from and are supported by heterosexism. Heterosexism enforces and is enforced by a binary gender system. Binaries similarly enforce racism and other systems of power.

Heterosexual: A person who is primarily and/or exclusively attracted to members of a gender or sex which is seen to be "opposite" or other than the one with which they identify or are identified.

Homosexual: A person who is primarily and/or exclusively attracted to members of what they identify as their own sex or gender. Because the term can have connotations of disease and abnormality, some people do not like to identify as homosexual. Others do not feel that it accurately defines their chosen identity.

Homophobia: The fear or hatred of gays, lesbians, or queer-identified people in general. This can be manifested as an intense dislike or rejection of such people, or violent actions against them.

Internalized Homophobia: The fear or hatred of, or discomfort with one's own queer sexuality. Internalized homophobia is linked to low self-esteem and is presumed to be a contributing factor in the high rates of suicide among queer teens.

Intersex: An anatomical variation from typical understandings of male and female genetics. The physical manifestation, at birth, of genetic or endocrinological differences from the cultural norm. Also a group of medical conditions that challenge standard sex designations, proving that sex, like gender, is a social construct. Intersex and transgender folks share some overlapping experiences and perspectives, but the terms are not synonymous, and the issues are not the same. "Intersex" or "intersexual" is used today in favor of the term "hermaphrodite".

Trans: Abbreviation for transgender, transsexual, or some other form of trans identity. "Trans" can invoke notions of transcending beyond, existing between, or crossing over borders.

Transgender: This term has many definitions. It is frequently used as an umbrella term to refer to all people who deviate from their assigned gender or the binary gender system, including intersex people, transsexuals, cross-dressers, transvestites, gender queers, drag kings, drag queens, two-spirit people, and others. Some transgendered people feel they exist not within one of the two standard gender categories, but rather somewhere between, beyond, or outside of those two genders. The term can also be applied exclusively to people who live primarily as the gender "opposite" to that which they were assigned at birth. These people may sometimes prefer the term "transsexual".

Transsexual: A person who has altered or intends to alter their anatomy, either through surgery, hormones, or other means, to better match their chosen gender identity. As a medical term, transsexual was coined in the 1950s to refer to individuals who desire not only to live as another gender, but also to change their bodies through surgery to reflect the gender that often feels more "natural" or authentic. This group of people is often divided into preop(erative), post-op, and non-op transsexuals. Due tot he high cost, not all transsexuals can have genital surgery. Others do not feel that surgery is necessary, but still maintain a transsexual identity.

Transphobia: The fear or hatred of transgendered and transsexual people. Like biphobia, this term was created to call attention tot he ways that prejudice against trans people differs from prejudice against other queer people. There is often transphobia in gay, lesbian, and bisexual communities, as well as straight communities.

Transvestite/Cross Dresser: Someone who enjoys wearing clothing typically assigned to a gender that that individual has not been socialized as, or does not identify as. Cross-dressers are of all sexualities and do not necessarily identify as transgendered

Transmen/Transwomen: Two more gender categories. Also terms used to identify distinct members of trans communities. Transwomen refers to transgendered women or women whose history transcends the gender binary. Transmen, similarly, refers to transgendered men or men whose history transcends the gender binary.

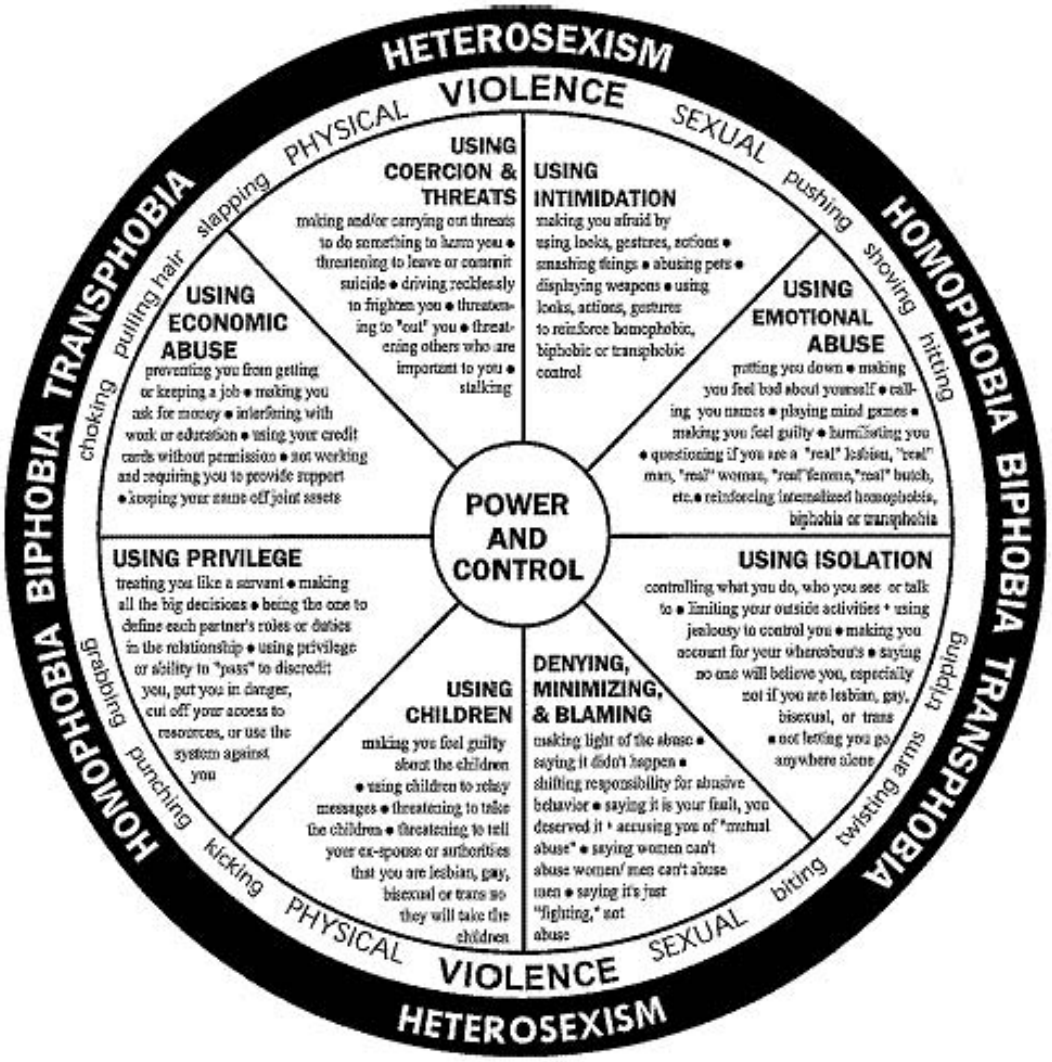
What is Heterosexual Privilege?

www.indiana.edu/~overseas/lesbigay/vol1_1/privilege.html

- Marrying--which includes the following privileges:

- Public recognition and support for an intimate relationship, such as receiving cards or calls celebrating your commitment to another person.
- Joint child custody.
- Paid leave from employment when grieving death of your spouse.
- Property laws, filing joint tax returns, inheriting from your spouse automatically under probate laws.
- Immediate access to your loved ones in case of an accident or emergency.
- Not questioning your normalcy, sexually and culturally:
- Having role models of your gender and sexual orientation.
- Learning about romance and relationships from fiction, movies and television.
- Having positive media images of people with whom you can identify.
- Validation from the culture in which you live:
- Living with your partner and doing it openly.
- Talking about your relationship, or what you and your partner are doing together.
- Expressing pain when a relationship ends from death or separation, and having other people notice and tend to your pain.
- Dating the person of your desire during your teen years.
- Working without being identified by your sexuality/culture (for example, you get to be a farmer, artist, etc., without being labeled the heterosexual farmer, etc.)

Power and Control Wheel for Lesbian, Gay, Bisexual and Trans Relationships



Developed by Roe & Jagodinsky

Adapted from the Power & Control and Equity Wheels developed by the
Domestic Abuse Intervention Project • 206 West Fourth Street • Duluth, Minnesota 55806 • 218/722-4134

APPENDIX D: CREATIVE TPO'S FOR BATTERED IMMIGRANT WOMEN

Here are some examples of things that can be added to the temporary protective order (TPO) or bond orders to help women be safe but also to obtain what is necessary to prove their status. You can ask that the batterer:

1. Give the woman access to, or copies of, any documents supporting her application.
2. Have her consult an immigration attorney to find out which documents should be requested and how to find out what her status is.
3. Shall not withdraw the application for permanent residency, which had been filed on the woman's behalf.
4. Take any and all actions necessary to ensure that her application for permanent residency is approved.
5. Shall not contact the Department of Homeland Security (DHS, formerly INS), the Consulate, or the Embassy about her status. This is useful when the batterers try to prevent her from obtaining legal permanent residency.
6. Immediately turns over her personal property. If you use this, be ready to get the documents and items right away with a police escort. If you wait, the batterer can destroy documents that will help the women get legal permanent status.
7. Sign a form to obtain his birth certificate. This helps prove he is a citizen.
8. Not remove the children from the court's jurisdiction and/or United States without a court order and that he turn over the children's passports to her or the court. Send a copy of the court order to the U.S. Dept of State Office of Passport Services. This should keep the batterer from running off with the children.
9. Sign a statement that will also be signed by the victim and the judge to inform the relevant embassy or consulate that they should not issue a visitor's visa or any other visa's to the child of the parties.
10. Pay any fees associated with the petitioner's and/or children's immigration cases.
11. Send copies to respective consulates, embassies, passport office, and airlines to prevent issuance of a visa.
12. Sign a prepared Freedom of Information Act (FOIA) form with the result of this form being sent to her or her attorney. This helps when the batterer has been keeping information from the abused about the status he may have filed on her behalf.
13. State information about previous marriages and divorces and whether he has the copies of the decrees. If he has the copies, one can ask that he turn them over to the battered spouse. This helps prove it was a legal marriage.

A Note of Caution

This is really great stuff to use, but let judges know about it before you attempt to use it all. Another thing to remember is that a violation of any of these provisions can result in deportation of a refugee, legal permanent resident, and anyone on a temporary visa.

This article is based on “Creative Use of Protective Orders in Battered Immigrant Cases” by Leslye Orloff, Rachel Little, and Vonetta Brown.

RESPECTING DIVERSITY: SELF-EXAMINATION

1. Briefly describe the demographic changes that are underway in the U.S. population.
2. In what way might two people of a particular race or ethnicity be similar, and in what ways might they be different?
3. List three principles that should form the foundation of your culturally-sensitive interaction with crime victims from any culture.
4. Describe three practices that would be beneficial in your work with crime victims of different cultural backgrounds.
5. Identify at least two different philosophies of life and healing that may influence the way a victim views victimization and recovery.
6. Describe the population diversity of South Carolina in your own words.
7. List three important considerations for working with interpreters for temporary protection orders.
8. What can Annex A for Bond Orders, and temporary protection orders assist with in helping immigrant victims of domestic violence?